

# **Third United Nations Conference on the Law of the Sea**

1973-1982

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## **154<sup>th</sup> Plenary meeting**

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XV (Summary Records, Plenary, General Committee and First Committee, as well as Documents of the Conference, Tenth and Resumed Tenth Sessions)*

49. With regard to the work of the session and the final elaboration of the draft convention, his delegation supported in general terms the position taken by the Group of 77.

50. It also supported the majority view with regard to the formalization of the draft convention, since substantial agreement had already been reached on its fundamental provisions. At the same time, he could not fail to note that the interests of land-locked States were not fully reflected in the draft. Nevertheless, his delegation, which had co-operated in the work on the draft, would at the present stage of the Conference's work continue to support the agreed text.

51. His delegation—like those of the Soviet Union, Czechoslovakia and the German Democratic Republic—strongly felt that any attempt to revise the existing draft would represent a major setback for the Conference. It would be tantamount to nullifying 10 years of painstaking work at a single stroke.

52. The Conference had reached the final phase in its work. Accordingly, his delegation fully agreed with the views expressed in the letter of 20 August 1981 from the chairman of the group of Eastern European States (A/CONF.62/L.77). It also wished to stress the need for the Conference to produce at the present session not a semi-official text but an official draft convention for subsequent adoption by consensus.

53. With regard to the future work of the Conference, his delegation agreed with the remarks of the Soviet Union delegation and would continue to oppose any attempts to frustrate the work of the Conference.

54. Mr. de la GUARDIA (Argentina) supported the General Committee's recommendations with regard to the "outstanding issues" (A/CONF.62/114, para. 2). He agreed that the list of such issues in document A/CONF.62/BUR.13/Rev.1 was not exhaustive.

55. His delegation attached great importance to the outstanding issue of innocent passage of warships through the territorial sea, a question which was not settled in the draft. Negotiations on the question of delimitation of the territorial sea between States with opposite or adjacent coasts had also to be completed. There were other outstanding issues, one of which was the question of the conservation of living resources in areas of the high seas adjacent to the 200-mile exclusive economic zone. That problem was not dealt with in the present text of article 63 of the draft convention; and his delegation hoped that negotiations would be continued with a view to improving the text and taking that point into account.

56. Mr. ENGO (United Republic of Cameroon), Chairman of the First Committee, appealed to the representatives of the United Republic of Tanzania and Kenya to trust the Collegium

to deal with the points which they had raised, and join in the general consensus of approval of the General Committee's recommendations.

57. Mr. IBÁÑEZ (Spain) said that he shared the concern expressed by other representatives concerning the interpretation of the first condition in paragraph 2 of the General Committee's recommendations regarding outstanding issues. He believed that the interpretation of that condition should be very broad, so that all outstanding problems could be solved. In that way, the Conference would avoid the submission of formal amendments—a procedure which no one desired.

58. The PRESIDENT appealed to the representatives of the United Republic of Tanzania and Kenya to accept the General Committee's recommendations, on condition that the period specified therein for the next session of the Conference would be adopted on the understanding that, once the Collegium had submitted a detailed programme of work, adjustments could be made.

59. Mr. WARIOBA (United Republic of Tanzania) expressed his full confidence in the Collegium.

60. The PRESIDENT said that, if there were no further comments, he would take it that the Conference agreed to adopt by consensus the General Committee's recommendations in document A/CONF.62/114.

*It was so decided.*

#### Date of the closure of the resumed session

61. The PRESIDENT said that, following the consideration of the question by the Collegium, the General Committee had decided not to recommend the extension of the present session for a fifth week. In the absence of objections, he would take it that the Conference agreed that the resumed tenth session should end on 28 August 1981.

*It was so decided.*

#### Programme of work for the fourth week of the session

62. The PRESIDENT introduced to the Conference the programme of work for the fourth week of the tenth resumed session, as recommended by the General Committee. In the absence of objections, he would take it that the Conference agreed to adopt that programme.

*It was so decided.*

*The meeting rose at 8.15 p.m.*

## 154th meeting

Friday, 28 August 1981, at 11 a.m.

*President:* Mr. T. T. B. KOH (Singapore)

### Report of the President on the consultations on delimitation

1. The PRESIDENT observed that the question of delimitation had been an outstanding issue for a number of years, and no solution had until now been found.

2. During the first part of the present session in New York he had begun to take an active interest in the search for a solution to the problem of delimitation, and had held regular meetings with the chairmen of the sponsors of documents NG7/10 and NG7/2/Rev. 2, and with many delegations both in and outside the two groups.

3. At the resumed session, he had continued his regular consultations with the chairmen of the two groups and, with

the assistance of the representative of Fiji, had formulated a proposal for a solution (A/CONF.62/WP.11). During his consultations, he had gained the impression that the proposal enjoyed widespread and substantial support in the two most interested groups of delegations, and in the Conference as a whole. He would now ask the chairmen of the two groups to confirm that there was indeed substantial support for the proposal in their respective groups.

4. Mr. HAYES (Ireland) said that the question of delimitation had been the subject of negotiation and consultation in various forums for many years. Following consideration of the proposal in document A/CONF.62/WP.11 by the group of sponsors of document NG7/10, he could confirm that the pro-

posal did indeed enjoy widespread and substantial support in the group. He wished to express his personal thanks, and those of his delegation, to all who had worked for a solution over a number of sessions.

5. Mr. LACLETA MUÑOZ (Spain) said that on a number of occasions he had been able to express partial agreement with some of the sponsors of document NG7/10, and he now fully supported the comments made by their chairman. There was general support among the sponsors of document NG7/2/Rev.2 for the proposal in document A/CONF.62/WP.11.

6. Mr. MALONE (United States of America) said that, for many years, his delegation had felt that the substance of delimitation disputes was essentially local and bilateral, and that such disputes could not therefore be resolved by a general convention on the law of the sea. It had also shared the doubts of others that a complex body of law could in any meaningful sense be reduced to a few lines of text.

7. His delegation understood the desire to solve outstanding issues if possible, and had made it clear that its policy review would not be an impediment to a solution of the question under consideration. At the same time, it had repeatedly been told, particularly at the current session, that the main purpose of a convention on the law of the sea was to reduce the possibility of disputes and conflict between States and to help to resolve differences by narrowing them down and reformulating them in generally acceptable legal terms.

8. His delegation therefore considered that it was not the time for the Conference to go forward with a text that could not achieve those purposes and might have the effect of adding confusion to the law. It was not the time, either, to take action on a text that delegations on both sides privately viewed with embarrassment and whose effect on the future prospects for a widely acceptable convention was unknown; and it was not the time for the Collegium to make a precipitous move that raised doubts about the sensitivity of its procedures to the interests of States as determined by their own Governments.

9. The proposal had been available only for a few days and in various alternative forms, and few Governments had had the opportunity to study it carefully. Circulation of the proposal at the current meeting would guarantee that it would be studied carefully by Governments in the coming months. The additional step of inserting the text in the official draft would be hasty and unnecessary, particularly in the light of the procedural decisions of the Conference. His delegation urged the Conference to proceed with caution, prudence and restraint.

10. Mr. SHEN Weiliang (China) said that, while his delegation appreciated the President's efforts, it needed more time to study the new text, and reserved its right to comment on the matter at the next session.

11. Mr. HUMAIDAN (United Arab Emirates) said that he shared the view of the United States representative that any hasty decision should be avoided. The matter should be dealt with during the early weeks of the next session.

12. Mr. MUNTASSER (Libyan Arab Jamahiriya) welcomed the efforts made by the President and by the chairmen of the groups concerned. In the interest of consensus, and in a desire to conclude the long negotiations in the various groups concerned, his delegation would have no objection to the proposed amendment to article 83, paragraph 1, of the draft convention, despite the somewhat unsatisfactory wording which failed to reflect the development of international law on delimitation since the signing of the Geneva Conventions of 1958. While he welcomed the inclusion of the words "in order to achieve an equitable solution", he pointed out that such a solution would be possible only if legal norms and standards which took into account the principles of equity were applied.

13. In its judgment of 20 February 1969 on the *North Sea Continental Shelf Cases*,<sup>1</sup> the International Court of Justice had observed that "it is not a question of applying equity simply as a matter of abstract justice, but of applying a rule of law which itself requires the application of equitable principles". The Court had further stated that "On a foundation of very general precepts of justice and good faith, actual rules of law are here involved which govern the delimitation of adjacent continental shelves—that is to say, rules binding upon States for all delimitations".

14. Unlike the existing text of the draft convention, the proposed wording was based on a clear concept of international law.

15. His delegation's attitude of principle in regard to the amendment should not be interpreted as the final attitude of Libya, or as an obstacle to any change of position.

16. The PRESIDENT appealed to delegations to avoid making interpretative statements, since such statements might undermine what had been achieved after difficult negotiations.

17. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that, although it had been satisfied with the existing text, his delegation was prepared, in a spirit of good will and co-operation, to accept the new wording which appeared to command broad support.

18. It had been argued by certain delegations that the proposed wording would require lengthy and careful study. References to international law as a basis for the delimitation of the continental shelf and the exclusive economic zone had been made in the negotiations on delimitation for a number of years; and it had been the United States delegation itself which had proposed such wording in 1979 and 1980 as a basis for a compromise solution. Agreement on that important issue could make a substantial contribution to the progress of the work of the Conference with a view to its conclusion at the next session.

19. Mr. PINTO (Portugal) said that his delegation regretted that it was not entirely in agreement with the statement made by the chairman of its group. It had, unfortunately, had insufficient time to submit the proposal to its Government; and, since it was important to seek full agreement on so vital an issue, it requested that consideration of the proposal should be deferred until the next session.

20. Mr. MORALES PAÚL (Venezuela) welcomed the fact that negotiations among the groups of delegations concerned had been conducted in a balanced manner. There had, however, been insufficient time to make a careful examination of the proposal. His delegation had received instructions from its Government to state that it considered that the inclusion of the proposed text in the convention would be premature, and that any decision on the matter should be deferred until the next session.

21. His delegation maintained its reservations on some outstanding issues such as the delimitation of marine and submarine areas, the régime of islands and peaceful settlement of disputes.

22. Mr. YANKOV (Bulgaria) said that he shared the President's view that delegations should avoid giving interpretations of the proposed formulation. He wished, however, to make a few comments concerning the suggestion that any decision on the proposal would be premature. Document A/CONF.62/62,<sup>2</sup> which had been issued as long ago as April 1978, had referred to the delimitation of maritime boundaries between States with opposite or adjacent coasts and settlement

<sup>1</sup> *North Sea Continental Shelf, Judgment, I.C.J. Reports 1969, p. 3.*

<sup>2</sup> *Official Records of the Third United Nations Conference on the Law of the Sea, vol. X (United Nations publication, Sales No. E.79.V.4).*

of disputes thereon. For members of the Conference to maintain that a decision on the proposal would be premature was to ignore their own decisions and their own documents.

23. In 1979, when the Conference had been considering the question of completion of its work, several delegations had raised the question of delimitation as one of the outstanding issues for solution. It was not by chance that it was the only issue for which representative groups had been established, with their own chairmen who had reported on their work at several sessions; and it was not by chance that the highest officer of the Conference had been involved in the negotiations. No other issue had been treated with such importance or given so much time for consideration.

24. The first sentence of the proposal was almost identical with the first sentence of the existing text of article 74, paragraph 1. The only addition was the words "as referred to in article 38 of the Statute of the International Court of Justice in order to achieve an equitable solution". The Court's Statute was an integral part of the Charter of the United Nations, which no responsible Government could challenge.

25. His delegation had always been open-minded on the question of delimitation, and could accept either the existing text or the President's proposal. It agreed that problems of delimitation were basically local and bilateral, or trilateral, depending on the situation; but it would be strange if the convention failed to make at least general provision for the solution of such problems. His delegation was astonished to hear the United States delegation put forward an argument entirely contrary to the one it had advanced from the outset of the Conference. The formula under consideration fully satisfied the criterion in document A/CONF.62/62, paragraph 10, and provided improved prospects for consensus. His delegation strongly urged that the proposal should be incorporated in the revised draft convention.

26. Mr. LACLETA MUÑOZ (Spain) said that the President's proposal represented a final attempt to reach a solution to the issue before the Conference. In his delegation's view, therefore, it would not be appropriate to reopen the debate on the issue.

27. Mr. HAYES (Ireland) agreed that there should be no attempt at interpretation, since that might nullify the progress which had been made.

28. Mr. WISNOEMOERTI (Indonesia) said his delegation believed that the President's proposal constituted the maximum that could be achieved. It would have no objection to the adoption of the proposal at the current meeting.

29. Mr. DAOUDY (Syrian Arab Republic) said that his delegation fully supported the formulation proposed by the President, which it regarded as a compromise text that would enable the Conference to reach a consensus on a difficult issue.

30. Mr. GOERNER (German Democratic Republic) said that his delegation continued to prefer the texts of article 74, paragraph 1, and article 83, paragraph 1, as they appeared in the draft convention.

31. With regard to the President's proposal, his delegation did not believe that an explicit reference to article 38 of the Statute of the International Court of Justice was desirable; but, on the understanding that that reference would not be misinterpreted by those who wished to give the decisions of the Court a preferential position among the various sources of international law, it could accept the new formula. Furthermore, in view of the need to find a solution to the problem of delimitation, and as the new proposal was acceptable to both interest groups, his delegation agreed to the inclusion of the President's proposal in the draft convention.

32. Mr. AL JUFAIRI (Qatar) thought that the proposal on delimitation had been submitted hastily, and that delegations had not had enough time to consider it. It would therefore be useful to defer a decision on the matter until the next session in

order to enable delegations to consult the competent departments of their respective Governments.

33. Mr. ARIAS SCHREIBER (Peru) said that his delegation had not participated in the consultations which had led to agreement among the delegations directly concerned. However, it had followed the matter closely; and, while the new proposal was not entirely satisfactory, his delegation would have no objection to its adoption and inclusion in the draft convention.

34. Mr. FOROUTAN (Peru) said that his delegation had not had sufficient time to study the President's proposal or to receive instructions from its Government. It therefore proposed that consideration of the matter should be postponed until the next session of the Conference.

35. Mr. FODHA (Oman) said that his delegation supported the appeal for postponement of consideration of the question until the next session. It believed that the proposal should be studied in greater depth, particularly since the new wording was not as precise as the previous text.

36. Miss AINUM (Malaysia) said that the President's proposal was acceptable to her delegation, which had no objection to its inclusion in the draft convention.

37. Mr. AL-AWADHI (Kuwait) said in his delegation's opinion, the President's proposal deserved further consideration, particularly from the standpoint of international law. He therefore proposed that the Conference should postpone a decision on the matter until the next session to enable delegations to obtain instructions from their Governments.

38. Mr. CHARRY SAMPER (Columbia) said that his delegation had no wish at the present time to place obstacles in the way of any proposal which, in the view of all the members of the Collegium, would bring the Conference closer to consensus. The programme of work of the Conference provided for a formal decision-making stage, in which delegations have their final say. In any event, it was clear that the agreement on the problems of delimitation constituted an indivisible "package", and that other issues already settled and incorporated in the draft convention could not be reopened.

39. Mr. MUSLIM (Kenya) said that, in his delegation's opinion, the President's proposal on delimitation was a substantial improvement over the existing text. He was aware that delegations had not had time to consult their Governments, but he believed that the new proposal should be included in the text of the draft convention.

40. Mr. SHASH (Egypt) thought that approval of the President's proposal would constitute a step forward. However, his delegation would prefer to have time to consult its Government on the text, which dealt with a matter of vital interest to its country.

41. Mr. AL-HADDAD (Bahrain) reserved his delegation's right to express its views on the President's proposal at the next session of the Conference.

42. Mr. de la GUARDIA (Argentina) said his delegation was amazed at the course that the discussion was taking. Although the two groups directly concerned had expressed agreement, many delegations were requesting postponement of the matter until the next session. His delegation thanked the President for the efforts he had made in order to enable the Conference to resolve the problem.

43. Mr. ROSENNE (Israel) said that he had just received the President's proposal, which dealt with a question of great concern to his delegation. He was not acquainted with all the factors that had led to the proposal, and would like to reserve his delegation's position on the matter. He hoped that a final decision would be taken only at the next session.

44. Mr. ZINCHENKO (Ukrainian Soviet Socialist Republic) noted that his delegation had not participated in the negotiations on the question and was not a member of either of the groups concerned. Nevertheless, it considered that the Presi-

dent's proposal was acceptable, since it was founded on three legal elements which must form the basis for the settlement of disputes concerning delimitation: agreement, justice, and compliance with the norms of international law.

45. In his delegation's opinion, the proposal should be duly reflected in the text of the draft convention. Furthermore, his delegation considered it inadvisable to postpone a decision on the matter, since postponement would increase the number of outstanding issues before the Conference.

46. Mr. SÈNE (Senegal) noted that the question had been outstanding for some time and had been discussed at length. He welcomed the fact that the two groups concerned had been able to reach agreement on the compromise text. He supported that text which, while it did not fully meet his delegation's views, would help to expedite the work of the Conference.

47. Mr. KOFFI (Ivory Coast) expressed his delegation's appreciation of the President's proposal. His delegation felt that the new text should be included in the draft convention, on the understanding that participants would not be prevented from improving on the proposal at the next session.

48. Mr. ZEGERS (Chile) said that his delegation would refrain from opposing the principle of the agreement on the President's proposal, on the understanding that the agreement presupposed that none of the articles which referred in one way or another to the item under consideration could be changed.

49. The PRESIDENT announced that the Conference had concluded its consideration of the report of the President on the consultations on delimitation.

#### **Report of the Chairman of the Drafting Committee**

50. Mr. BEESLEY (Canada), Chairman of the Drafting Committee, said that the Committee, continuing its article-by-article textual review of the draft convention on the law of the sea, had maintained its previously established informal working methods facilitated by increased resort to informal consultations. It had continued its work on Parts XV and XI and had submitted approximately 500 recommendations on section 3 of Part XV, on annex V and on section 3 of Part XI, which had been accepted by the informal plenary. The language groups had produced a large number of proposals for consideration by the co-ordinators and the Drafting Committee at its next intersessional meeting, which would be held in New York from 18 January to 26 February 1982. He outlined the proposed timetable for that session, which would be distributed at a later date.

#### **Report to the Plenary Conference on the recommendations of the Drafting Committee**

51. Mr. BEESLEY (Canada), Chairman of the Drafting Committee, on behalf of the President and the Chairman of the First Committee, said that at informal meetings of the plenary on 17 and 18 August, consideration had been given to the recommendations of the Drafting Committee on sections 1 to 3 of Part XI and sections 1 and 2 of Part XV of the draft convention. New recommendations were set out in documents A/CONF.62/L.67/Add.16, Add.1 and Add.2.

52. At an informal meeting of the plenary held on 27 March 1981 consideration had been given to the report of the Drafting Committee relating to its recommendations on section 3 of Part XV and on annex V.

53. The recommendations of the Drafting Committee approved during the informal plenary meetings at the resumed tenth session of the Conference were set out in the addenda to the report of the Chairman of the Drafting Committee (A/CONF.62/L.75/Add.5 to 10) and amended by document A/CONF.62/L.75/Add.11.

54. Mr. YANKOV (Bulgaria) asked the Chairman of the Drafting Committee to clarify the situation regarding certain provisions and amendments relating to Parts XII and XIII which had been considered by the Drafting Committee and the informal plenary but deferred for further consideration.

55. Mr. BEESLEY (Canada), Chairman of the Drafting Committee, said that the Committee had no intention of ignoring those provisions and amendments, but that priority had been given to raising Part XI to the level of the other parts.

56. Mr. ROSENNE (Israel) said that the work on the convention had been greatly facilitated by the concordance text of the draft convention prepared by the secretariat. He requested that a new concordance text be prepared for the Drafting Committee next January.

57. Mr. ZULETA (Special Representative of the Secretary-General) said that, if the Conference agreed, the secretariat would prepare a new concordance text; but he warned that there would be financial implications.

*The Conference decided to request the secretariat to prepare a new concordance text of the draft convention for use by the Drafting Committee in January-February 1982.*

#### **Report of the Chairman of the First Committee**

58. Mr. ENGO (United Republic of Cameroon), speaking as Chairman, said that the First Committee had held one meeting to hear the Chairman's report (A/CONF.62/C.1/L.29) on negotiations in that Committee during the resumed session; he would give a brief summary of that report. The working group of 21 had concentrated on negotiations regarding the Preparatory Commission. Its two co-Chairmen (the President of the Conference and the Chairman of the First Committee) had prepared a draft attempting to reflect suggestions for improvements made during previous negotiating endeavours (WG.21/Informal Paper 15). The co-ordinator of the Group of 77 had submitted informal suggestions outlining his Group's position (WG.21/Informal Paper 16), including some of the agreed provisions as well as new ideas. At the end of the second reading, the co-chairmen had produced a further text (WG.21/Informal Paper 17) which would be presented to the working group of 21 at its next session. He would refrain from any detailed comment on that document until it had been properly presented to the working forum for which it was intended.

59. Though some progress had been made on the question of the Preparatory Commission, certain delegations had not been prepared for final results on some aspects of outstanding problems. In his opinion, such results would be forthcoming if the Conference decided to make the next session the final and decision-making session.

60. With regard to the problem of preparatory investment protection, he believed that the inter-sessional period could be fruitfully utilized by the interested parties to harmonize their concerns and thinking on that subject.

61. With respect to problems of the production policies of the Authority, especially as they related to articles 150 and 151, he believed that a resolution of the problem posed by some developing countries which were land-producers of cobalt and manganese and by those operating low-grade nickel deposits need not disturb the fundamental structure of the production limitation provisions contained in the draft convention. It was essential to seek a balance which would stimulate sea-bed mining while ensuring that the measures taken would not have serious adverse effects on the fragile economies of several developing countries.

62. On the matter of unfair economic practices, he referred to a proposal by the delegation of Australia to the effect that States parties in the production, processing, transport and

marketing of minerals and commodities derived from the resources of the area, should avoid economic practices which caused, or threatened to cause, material injury to the interests of another State party. He had encouraged the private informal initiative of the Chairman of the Australian delegation, and had invited him to inform the Committee of the results of his initiative.

63. Concerning the suggestions by some less industrialized western States for an increase in minimum representation for the geographical groups in the Council, he knew of no contacts between interested parties during the session in course. It appeared that the concern of those States had not been to challenge existing consensus on the question of the Council. He requested those States to inform him of any hope for a solution that might emerge from their consultations with other groups.

64. The First Committee had taken note of the indicative vote in the informal plenary which had made it clear that Jamaica would host the international sea-bed Authority and the organs being created under it. The decision to focus on developing countries in the creation of new international organizations was a progressive one. A poor developing country, such as Fiji, could favourably be considered as an operations, research and practical training base for the Enterprise; and consideration would undoubtedly be given to other activities—for example a centre for training personnel in disciplines related to sea-bed mining—which might be located in other developing countries such as Malta and Yugoslavia.

65. Mr. POWELL-JONES (United Kingdom), referring to the proposal by Australia on unfair economic practices, said it was well known that his delegation did not consider that a provision on that subject should be included in the convention. Furthermore, interested parties had not appeared to make progress towards a consensus.

66. Mr. CHARRY SAMPER (Colombia) proposed that, since his delegation had not had the opportunity to express its

views in adequate detail in the First Committee, the issue of the preparatory commission should be referred back to the plenary after all the administrative, political and financial implications had been studied. Colombia, as a developing country, could not shoulder unnecessary financial burdens and therefore hoped that in all matters involving expenditure the criteria of austerity and efficiency would be applied.

67. Mr. KOZYREV (Union of Soviet Socialist Republics) said that his delegation had listened attentively to the report on the work of the First Committee and the working group of 21 at the present session on the question of the Preparatory Commission for the establishment of the international sea-bed Authority and the international Tribunal for the law of the sea; and it thought that the constructive and co-operative attitude displayed by the Group of 77 in the search for compromise solutions deserved special commendation. The President of the Conference and the Chairman of the First Committee had succeeded in preparing a single draft resolution from two documents. As a result, only one important issue remained outstanding—namely, the procedure for decision-making on questions of substance in the Preparatory Commission. His delegation believed that decisions should be taken by consensus, and it would do all it could to work towards a mutually acceptable solution of that question, based on the compromise formula in article 161 of the draft convention.

68. Mr. BRENNAN (Australia) said that the unfair economic practices clause was one which had commended itself to several Asian, African and Latin American delegations. Abstention from unfair practices was a general obligation of the parties to the General Agreement on Tariffs and Trade, and there were provisions on that subject in agreements between Australia, the United Kingdom, and the members of the European Economic Community. He hoped that the United Kingdom's reservations would be withdrawn at the following session.

*The meeting rose at 12.55 p.m.*

## 155th meeting

Friday, 28 August 1981, at 3.20 p.m.

*President:* Mr. T. T. B. KOH (Singapore)

Study on the future functions of the Secretary-General under the draft convention and on the needs of countries, especially developing countries, for information, advice and assistance under the new legal régime

1. Mr. ZULETA (Special Representative of the Secretary-General) introduced the study prepared by the Secretary-General (A/CONF.62/L.76) in pursuance of paragraph 6 of General Assembly resolution 35/116. In the preparation of the study, the Secretary-General had been guided by a principle underlying the negotiations carried out by the Conference, and affirmed in the third preambular paragraph of its draft convention, that the problems of ocean space were closely inter-related and needed to be considered as a whole.

2. It had not been easy for the Secretariat to prepare a study of that nature, since the problems that would arise for countries as a consequence of the new legal régime affected a wide range of sectors within each country. The law of the sea had ceased to be the exclusive privilege of lawyers and had become a topic of national interest in each country, since it affected a country's economic and social development planning, its international relations in the widest sense and even the internal structure of the State.

3. With that in mind, the Secretariat had drawn up a preliminary list of problems of an institutional nature which might arise within the United Nations Secretariat with regard

to the functions expressly assigned to the Secretary-General by the convention. Another preliminary list provided a first identification of matters that would inevitably be of major concern to Governments in their adjustment to the new legal régime, which should be seen in the context of a progressive development which had in a sense already taken place as a result of the work of the Conference. The aim of the United Nations system as a whole was to ensure that the draft convention should be understood and interpreted by the different components of the system in a consistent manner.

4. The report did of course have some understandable defects. A more detailed study could be made only with the support of Governments; and the Secretariat would welcome all informal and formal observations which would make for a more complete and coherent analysis of a completely novel national and international problem.

5. Mr. ARIAS SCHREIBER (Peru) said that the study would be extremely valuable both for Governments and for international organizations involved in the application of the convention. From the description of the functions of the Secretary-General under various provisions of the convention, and from the list of activities to be undertaken by States in order to give effect to the new legal régime, it was clear that the services of the Secretariat would be needed to provide the information, advice and assistance requested by all States, and